

Executive Summary – Enforcement Matter – Case No. 45750

Lucite International, Inc.

RN102736089

Docket No. 2012-2622-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Lucite Beaumont Site, 6350 North Twin City Highway, Nederland, Jefferson County

Type of Operation:

Industrial organic chemical manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2013-0224-IWD-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 13, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$72,541

Amount Deferred for Expedited Settlement: \$14,508

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$58,033

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 45750

Lucite International, Inc.

RN102736089

Docket No. 2012-2622-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 22, 2012

Date(s) of NOE(s): August 30, 2012

Violation Information

1. Failed to record audio, visual, and olfactory ("AVO") inspections once per 12 hour shift. Specifically, during the January 13, 2011 through July 12, 2011 deviation reporting period, Respondent failed to properly record AVO inspections on fugitive equipment in ammonia service on seven occasions [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit ("NSRP") No. 318, Special Conditions ("SC") No. 5A, and Federal Operating Permit ("FOP") No. O1959, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 14].
2. Failed to comply with the sulfur dioxide ("SO₂") maximum allowable emission rate for the Spent Acid Recovery ("SAR") Main Stack. Specifically, the permitted SO₂ emission rate of 121.67 pounds per hour ("lbs/hr") was exceeded on February 10, 2011 by 84.41 lbs/hr for one hour, and on April 15, 2011 by 126.25 lbs/hr for one hour, resulting in 210.66 lbs of unauthorized SO₂ [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSRP Nos. 19005 and PSD-TX-753, SC No. 1, and FOP No. O1959, GTC and STC No. 14].
3. Failed to continuously measure and record the in-stack concentration of SO₂ and nitrogen oxides ("NO_x") from the SAR Main Stack. Specifically, Respondent experienced 6,857.52 hours of erratic and unreliable operation for the SO₂ inlet analyzer between January 12, 2011 and January 11, 2012. During this period, the stack flow rate was not measured which resulted in the inability to accurately determine the actual SO₂ and NO_x emission rates [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS §§ 60.13(a) and 60.84(a), TEX. HEALTH & SAFETY CODE § 382.085(b), NSRP Nos. 19005 and PSD-TX-753, SC No. 13, and FOP No. O1959, GTC and STC No. 14].
4. Failed to prevent an emissions release from the Methyl-Methacrylate ("MMA") Dock Tank. Specifically, the MMA emissions occurred from June 3, 2009 through February 7, 2011, due to a heel left in the MMA Dock Tank after it was drained, causing a release of 9,763 lbs of MMA [30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSRP No. 19003, SC No. 3, and FOP No. O1959, GTC and STC No. 14].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. On February 7, 2011, cleaned the MMA Dock Tank;
- b. On October 20, 2011, replaced the SO₂ analyzer to ensure accurate monitoring of the SAR Main Stack;
- c. On January 1, 2012, trained personnel and implemented measures to ensure AVO inspections are recorded accurately in a timely manner; and
- d. On or before May 31, 2012, replaced the catalyst in the third pass of the SAR Converter and implemented an increase in management oversight during start-up periods, in order to ensure compliance with SO₂ emission rates for the SAR Main Stack.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rebecca Johnson, Enforcement Division,
Enforcement Team 5, MC R-14, (361) 825-3423; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Hootan Hadaji, Site Manager, Lucite International, Inc., 6350 North
Twin City Highway, Nederland, Texas 77627

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES

Assigned PCW

4-Sep-2012
12-Jul-2013

Screening

28-Sep-2012

EPA Due

28-Mar-2013

RESPONDENT/FACILITY INFORMATION

Respondent Lucite International, Inc.
Reg. Ent. Ref. No. RN102736089
Facility/Site Region 10-Beaumont

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No.

45750

Docket No.

2012-2622-AIR-E

Media Program(s)

Air

Multi-Media

No. of Violations

4

Order Type

1660

Government/Non-Profit

No

Enf. Coordinator

Rebecca Johnson

EC's Team

Enforcement Team 5

Admin. Penalty \$ Limit Minimum

\$0

Maximum

\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$30,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

166.0%

Enhancement

Subtotals 2, 3, & 7

\$49,966

Notes

Enhancement for one NOV with same/similar violations, eight NOVs with dissimilar violations, six orders containing a denial of liability, and one order without a denial of liability.

Culpability

No

0.0%

Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5

\$7,525

Economic Benefit

0.0% Enhancement*

Subtotal 6

\$0

Total EB Amounts \$587
Approx. Cost of Compliance \$9,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$72,541

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

\$72,541

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$72,541

DEFERRAL

20.0%

Reduction

Adjustment

-\$14,508

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$58,033

Screening Date 28-Sep-2012

Docket No. 2012-2622-AIR-E

PCW

Respondent Lucite International, Inc.

Policy Revision 2 (September 2002)

Case ID No. 45750

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	6	120%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 166%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations, eight NOVs with dissimilar violations, six orders containing a denial of liability, and one order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 166%

Screening Date 28-Sep-2012

Docket No. 2012-2622-AIR-E

PCW

Respondent Lucite International, Inc.

Policy Revision 2 (September 2002)

Case ID No. 45750

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review Permit ("NSRP") No. 318, Special Conditions ("SC") No. 5A, and Federal Operating Permit ("FOP") No. O1959, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 14

Violation Description

Failed to record audio, visual, and olfactory ("AVO") inspections once per 12 hour shift. Specifically, during the January 13, 2011 through July 12, 2011 deviation reporting period, the Respondent failed to properly record AVO inspections on fugitive equipment in ammonia service on seven occasions.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			x

Percent 1%

Matrix Notes

At least 70% of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

7

Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended for the incomplete set of AVO records.

Good Faith Efforts to Comply

25.0% Reduction

\$25

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent completed corrective actions on January 1, 2012, prior to the August 30, 2012 NOE.

Violation Subtotal \$75

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$42

Violation Final Penalty Total \$241

This violation Final Assessed Penalty (adjusted for limits) \$241

Economic Benefit Worksheet

Respondent Lucite International, Inc.

Case ID No. 45750

Reg. Ent. Reference No. RN102736089

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	3-Mar-2011	1-Jan-2012	0.83	\$42	n/a	\$42

Notes for DELAYED costs

Estimated cost to train personnel and implement measures to ensure AVO inspections are recorded accurately and in a timely manner. The date required is the initial date of non-compliance. The final date is the date compliance was achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$42

Screening Date 28-Sep-2012

Docket No. 2012-2622-AIR-E

PCW

Respondent Lucite International, Inc.

Policy Revision 2 (September 2002)

Case ID No. 45750

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSRP Nos. 19005 and PSD-TX-753, SC No. 1, and FOP No. O1959, GTC and STC No. 14

Violation Description

Failed to comply with the sulfur dioxide ("SO2") maximum allowable emission rate for the Spent Acid Recovery ("SAR") Main Stack. Specifically, the permitted SO2 emission rate of 121.67 pounds per hour ("lbs/hr") was exceeded on February 10, 2011 by 84.41 lbs/hr for one hour, and on April 15, 2011 by 126.25 lbs/hr for one hour, resulting in 210.66 lbs of unauthorized SO2.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix
Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$625

Extraordinary

Before NOV NOV to EDRP/Settlement Offer

Ordinary

N/A

(mark with x)

Notes

The Respondent completed corrective actions on or before May 31, 2012, prior to the August 30, 2012 NOE.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$65

Violation Final Penalty Total \$6,025

This violation Final Assessed Penalty (adjusted for limits) \$6,025

Economic Benefit Worksheet

Respondent Lucite International, Inc.

Case ID No. 45750

Reg. Ent. Reference No. RN102736089

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**

Item Description No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	10-Feb-2011	31-May-2012	1.30	\$65	\$65

Notes for DELAYED costs

Estimated cost to implement measures to ensure compliance with the SO2 emission rate for the SAR Main Stack. The date required is the initial date of non-compliance. The final date is the date corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$65

Screening Date 28-Sep-2012

Docket No. 2012-2622-AIR-E

PCW

Respondent Lucite International, Inc.

Policy Revision 2 (September 2002)

Case ID No. 45750

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), 40 Code of Federal Regulations §§ 60.13(a) and 60.84(a), Tex. Health & Safety Code § 382.085(b), NSRP No. 19005 and PSD-TX-753, SC No. 13, and FOP No. O1959, GTC and STC No. 14

Violation Description

Failed to continuously measure and record the in-stack concentration of SO₂ and nitrogen oxides ("NO_x") from the SAR Main Stack. Specifically, the Respondent experienced 6,857.52 hours of erratic and unreliable operation for the SO₂ inlet analyzer between January 12, 2011 and January 11, 2012. During this period, the stack flow was not measured which resulted in the inability to accurately determine the actual SO₂ and NO_x emission rates.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could have been exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4

281 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

Four quarterly events are recommended from the initial date of non-compliance on January 12, 2011 to the date of compliance on October 20, 2011.

Good Faith Efforts to Comply

25.0% Reduction

\$2,500

	Before NOV		NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
		x	
N/A			(mark with x)

Notes

The Respondent completed corrective actions on October 20, 2011, prior to the August 30, 2012 NOE.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$269

Violation Final Penalty Total \$24,100

This violation Final Assessed Penalty (adjusted for limits) \$24,100

Economic Benefit Worksheet

Respondent Lucite International, Inc.

Case ID No. 45750

Reg. Ent. Reference No. RN102736089

Media Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	12-Jan-2011	20-Oct-2011	0.77	\$13	\$257	\$269
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to replace the SO2 inlet analyzer. The date required was the initial date of non-compliance. The final date is the date the monitor was replaced and put into service and compliance was achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$269

Screening Date 28-Sep-2012

Docket No. 2012-2622-AIR-E

PCW

Respondent Lucite International, Inc.

Policy Revision 2 (September 2002)

Case ID No. 45750

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102736089

Media [Statute] Air

Enf. Coordinator Rebecca Johnson

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSRP No. 19003, SC No. 3, and FOP No. Q1959, GTC and STC No. 14

Violation Description

Failed to prevent an emissions release from the Methyl-Methacrylate ("MMA") Dock Tank. Specifically, the MMA emissions occurred from June 3, 2009 through February 7, 2011, due to a heel left in the MMA Dock Tank after it was drained, causing a release of 9,763 lbs of MMA.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 7

614 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$17,500

Seven quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$4,375

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective actions on February 7, 2011, prior to the August 30, 2012 NOE.

Violation Subtotal \$13,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$210

Violation Final Penalty Total \$42,175

This violation Final Assessed Penalty (adjusted for limits) \$42,175

Economic Benefit Worksheet

Respondent Lucite International, Inc.

Case ID No. 45750

Reg. Ent. Reference No. RN102736089

Media Air

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,500	3-Jun-2009	7-Feb-2011	1.68	\$210	n/a	\$210

Notes for DELAYED costs

Estimated costs to clean the MMA Dock Tank. The date required is the initial date of non-compliance. The final date is the date compliance was achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$210



Compliance History Report

PUBLISHED Compliance History Report for CN601448764, RN102736089, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN601448764, Lucite International, Inc.

Classification: SATISFACTORY

Rating: 9.07

Regulated Entity: RN102736089, LUCITE BEAUMONT SITE

Classification: SATISFACTORY

Rating: 15.33

Complexity Points: 28

Repeat Violator: NO

CH Group: 05 - Chemical Manufacturing

Location: 6350 N TWIN CITY HWY NEDERLAND, TX 77627-3157, JEFFERSON COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD988088761

POLLUTION PREVENTION PLANNING ID NUMBER P00334

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 81282

AIR NEW SOURCE PERMITS PERMIT 19005

AIR NEW SOURCE PERMITS PERMIT 19004

AIR NEW SOURCE PERMITS REGISTRATION 29568

AIR NEW SOURCE PERMITS REGISTRATION 53554

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX753

AIR NEW SOURCE PERMITS PERMIT 2796A

AIR NEW SOURCE PERMITS REGISTRATION 79737

AIR NEW SOURCE PERMITS REGISTRATION 81877

AIR NEW SOURCE PERMITS REGISTRATION 90567

AIR NEW SOURCE PERMITS REGISTRATION 92505

AIR NEW SOURCE PERMITS REGISTRATION 95805

AIR NEW SOURCE PERMITS REGISTRATION 98366

AIR OPERATING PERMITS PERMIT 1437

AIR OPERATING PERMITS PERMIT 1959

UNDERGROUND INJECTION CONTROL PERMIT WDW100

UNDERGROUND INJECTION CONTROL PERMIT WDW389

AIR EMISSIONS INVENTORY ACCOUNT NUMBER JE0425E

WASTEWATER EPA ID TX0004669

AIR NEW SOURCE PERMITS PERMIT 19003

AIR NEW SOURCE PERMITS ACCOUNT NUMBER JE0425E

AIR NEW SOURCE PERMITS AFS NUM 4824500136

AIR NEW SOURCE PERMITS PERMIT 1743

AIR NEW SOURCE PERMITS PERMIT 318

AIR NEW SOURCE PERMITS REGISTRATION 80291

AIR NEW SOURCE PERMITS REGISTRATION 89987

AIR NEW SOURCE PERMITS REGISTRATION 92740

AIR NEW SOURCE PERMITS REGISTRATION 93625

AIR NEW SOURCE PERMITS REGISTRATION 96847

AIR NEW SOURCE PERMITS REGISTRATION 103843

AIR OPERATING PERMITS ACCOUNT NUMBER JE0425E

AIR OPERATING PERMITS PERMIT 1960

UNDERGROUND INJECTION CONTROL PERMIT WDW101

UNDERGROUND INJECTION CONTROL PERMIT WDW390

WASTEWATER PERMIT WQ0000473000

Compliance History Period: September 01, 2007 to August 31, 2012

Rating Year: 2012

Rating Date: 09/01/2012

Date Compliance History Report Prepared: April 18, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 18, 2008 to April 18, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Rebecca Johnson

Phone: (361) 825-3423

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 03/12/2009 ADMINORDER 2008-0822-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: NSR No. 19003, Special Condition 3 PERMIT
Description: Failed to maintain an emission rate below the allowable emission limits. Specifically, the foam box sealing membrane in the MMA tank ruptured, resulting in the release of 8,889.38 pounds of MMA over an estimated period of 98 days. Since the emission event was avoidable, the demonstrations for affirmative defense in 30 TEX. ADMIN. CODE § 101.222 were not met.
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP O-01437, Special Condition 12 OP
NSR Permit 19003, Special Condition 4 PERMIT
Description: Failed to monitor the Acetone Cyanohydrin Cooling Tower on a monthly basis for volatile organic compounds ("VOCs"). Specifically, the Respondent failed to monitor the Acetone Cyanohydrin Cooling Tower from April 30, 2006 through July 24, 2007.
- 2 Effective Date: 03/23/2009 ADMINORDER 2008-1293-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
FOP O-01960, Special Condition 1A OP
FOP O-01960, Special Condition 1D OP
FOP O-01960, Special Condition 4 OP
NSR Permit 1743, Special Condition 10 PERMIT
NSR Permit 1743, Special Condition 2 PERMIT
Description: Failure to maintain the water flow to scrubbers ACR/ABS156, ACR/ABS159, ACR/ABS61, and ACR/ABS218. EIC A,8,c,1,B MOD 2,G
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 116, SubChapter B 116.116(a)(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 16 OP
FOP O-01960, Special Condition 19 OP
NSR Permit 1743, Special Condition 1 PERMIT
Description: Failure to maintain emission rates below the allowable emission limits. EIC A,8,c,2,A,ii MOD 2,D
- 3 Effective Date: 05/18/2009 ADMINORDER 2007-1876-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382, SubChapter A 382.085(b)
Rqmt Prov: NSR Permit 1743, Special Condition 1 PERMIT
Description: Failed to prevent unauthorized emissions.
Classification: Moderate
Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 115, SubChapter B 115.112(a)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)
Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
FOP O-01960, Special Condition 1A OP
FOP O-01960, Special Condition 1E OP
FOP O-01960, Special Condition 4 OP
NSR Permit 1743, Special Condition 10 PERMIT
NSR Permit 1743, Special Condition 2 PERMIT
Description: Failed to maintain the required water flow to scrubbers ACR/ABS156, ACR/ABS61, ACR/ABS159 and ACR/ABS218.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
FOP O-01960, Special Condition 1A OP
FOP O-01960, Special Condition 1E OP
NSR Permit 1743, Special Condition 12 PERMIT
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failed to maintain the daily average temperature of incinerator ACR/INC60 above the established minimum limit.

Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Part 63, Subpart G 63.120(d)(5)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960, Special Condition 19 OP
FOP O-01960, Special Condition 1A OP
FOP O-01960, Special Condition 1E OP
NSR Permit 1743, Special Condition 12 PERMIT
NSR Permit 1743, Special Condition 2 PERMIT

Description: Failed to maintain the daily average temperature of vapor combustor ACR/VC51 above the established minimum limit.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: FOP O-01437 General Terms and Conditions OP
FOP O-01437, Special Condition 12 OP
NSR Permit 19005/PSD-TX-753, SC 1 PERMIT

Description: Failure to maintain emission rates below the allowable emission limits for SO2.

4 Effective Date: 07/20/2009 ADMINORDER 2009-0171-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960 Special Condition 2F OP
NSR Permit 1743 Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during Incident No. 110434.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(2)(F)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01960 General Terms and Conditions OP
FOP O-01960 Special Condition 2 OP

Description: Failed to identify the compound descriptive type of the individually listed compounds or mixtures of all air contaminants released during Incident No. 110434 which exceeded the reportable quantity ("RQ").

5. Effective Date: 10/18/2009 ADMINORDER 2009-0522-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01437 General Terms and Conditions OP
FOP O-01437, Special Condition 11 OP
NSR Permit 19004, Special Condition 1 PERMIT

Description: Failed to maintain emissions below the allowable emissions limit of 0.70 tons per year ("TPY") of volatile organic compounds ("VOCs") from the Acetone Cyanohydrin Cooling Tower, emission point number ("EPN") ACH-CTW, for calendar year 2007. Specifically, during 2007, emissions were 1.46 TPY of VOCs from EPN ACH-CTW.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01437 General Terms and Conditions OP
FOP O-01437, Special Condition 11 OP
NSR Permit 19003 Special Condition 3 PERMIT

Description: Failed to maintain emissions below allowable emissions limit of 0.42 TPY of nitrogen oxides ("NOx") from the Methyl Methacrylate Dock Flare, EPN MMA-DKFL, for calendar year 2007. Specifically, during 2007, emissions were 0.66 TPY of NOx from EPN MMA-DKFL.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01437 General Terms and Conditions OP
FOP O-01437, Special Condition 11 OP
NSR Permit 19005 Special Condition 1 PERMIT

Description: Failed to prevent emissions of 0.05 tons of VOCs in 2007 from the Spent Acid Recovery Unit Stack, EPN SAR-SARSTK, which is not authorized to release VOCs.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 113, SubChapter C 113.130
30 TAC Chapter 115, SubChapter D 115.354(1)(A)
30 TAC Chapter 115, SubChapter D 115.354(2)(B)
30 TAC Chapter 115, SubChapter D 115.354(2)(C)
30 TAC Chapter 115, SubChapter D 115.354(7)(B)
30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-2(a)(1)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(c)(1)(i)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.163(b)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(3)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.173(a)(1)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-01437 General Terms and Conditions OP
FOP O-01437 Special Condition 1A OP
FOP O-01437, Special Condition 11 OP

Description: Failed to monitor 6, 903 components in the Methyl Methacrylate Unit and 1,248 components in the Acetone Cyanohydrin Unit between July 25, 2008 and December 31, 2008.

- 6 Effective Date: 02/20/2011 ADMINORDER 2010-1079-AIR-E
 Classification: Moderate
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
 30 TAC Chapter 115, SubChapter B 115.112(a)(1)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)
 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Rqmt Prov: FOP O-01437, General Terms and Condition OP
 FOP O-01437, Special Condition 11 OP
 NSR Permit 19003, General Condition 8 PERMIT
 NSR Permit 19003, Special Condition 3 PERMIT
 NSR Permit 19005/PSD-TX-753, SC 1 PERMIT
 Description: Failure to maintain emission rate below the allowable emission limit and maintain an emission control device. EIC A8(c)(2)(A)(ii) MOD(2)(D)
- 7 Effective Date: 12/19/2011 ADMINORDER 2011-0967-IHW-E
 Classification: Major
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 30 TAC Chapter 335, SubChapter A 335.4
 Description: Failure to prevent an unauthorized discharge of Acetone Cyanohydrin (ACH) into the Neches River.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	April 29, 2008	(641775)
Item 2	June 01, 2008	(517487)
Item 3	June 03, 2008	(681474)
Item 4	June 18, 2008	(653895)
Item 5	July 18, 2008	(684992)
Item 6	July 25, 2008	(687655)
Item 7	October 13, 2008	(703217)
Item 8	October 14, 2008	(701152)
Item 9	December 17, 2008	(708747)
Item 10	December 19, 2008	(708717)
Item 11	January 21, 2009	(709969)
Item 12	January 27, 2009	(720924)
Item 13	January 29, 2009	(722241)
Item 14	February 03, 2009	(709856)
Item 15	March 24, 2009	(737219)
Item 16	April 08, 2009	(740807)
Item 17	April 23, 2009	(743049)
Item 18	April 28, 2009	(743121)
Item 19	May 05, 2009	(742525)
Item 20	July 07, 2009	(760884)
Item 21	July 15, 2009	(749165)
Item 22	August 14, 2009	(763341)
Item 23	August 20, 2009	(766630)
Item 24	September 02, 2009	(767311)
Item 25	November 13, 2009	(779887)
Item 26	November 25, 2009	(781623)

Item 27	December 09, 2009	(784938)
Item 28	March 08, 2010	(794463)
Item 29	April 15, 2010	(794684)
Item 30	June 11, 2010	(802969)
Item 31	July 16, 2010	(828028)
Item 32	July 22, 2010	(829426)
Item 33	November 22, 2010	(872095)
Item 34	November 23, 2010	(872056)
Item 35	February 15, 2011	(894367)
Item 36	February 23, 2011	(899534)
Item 37	March 15, 2011	(901037)
Item 38	March 17, 2011	(901598)
Item 39	July 06, 2011	(932728)
Item 40	October 14, 2011	(962160)
Item 41	February 19, 2012	(982232)
Item 42	April 27, 2012	(987168)
Item 43	May 17, 2012	(1003149)
Item 44	June 07, 2012	(1008741)
Item 45	July 10, 2012	(1078919)
Item 46	August 01, 2012	(1020785)
Item 47	August 10, 2012	(1021706)
Item 48	February 05, 2013	(1054050)
Item 49	February 07, 2013	(1055653)
Item 50	February 25, 2013	(1078918)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 04/30/2012 (1016425)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 06/30/2012 (1031541)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 07/31/2012 (1060797)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 08/30/2012 (1023228) CN601448764
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 14 OP
Special Condition 8 PERMIT
Description: Failure to meet the 30 parts per million (ppm) NOx emissions standard and 100 ppm
CO emissions standard when at a firing rate of 76.25 million British Thermal Units per
hour (MMbtu/hr). EIC B19 (g)(1) MOD (2)(G)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
General Terms and Conditions OP
Special Condition 1 PERMIT
Special Condition 14 OP
Description: Failure to maintain emissions levels under the MAERT. EIC B19 (g)(1) MOD (2)(G)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 30 TAC Chapter 122, SubChapter B 122.146(1) 30 TAC Chapter 122, SubChapter B 122.146(5)(D) 5C THSC Chapter 382 382.085(b) Special Condition 17 OP		
Description:	Failure to report all deviations and accurately certify a compliance period. EIC B3 MOD (2)(B)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT F 63.104(b)(1) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 14 OP Special Condition 2B PERMIT		
Description:	Failure to monitor the MMA cooling tower. EIC B19 (g)(1) MOD (2)(G)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT H 60.84(a) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 13 PERMIT Special Condition 14 OP		
Description:	Failure to conduct Cylinder Gas Audits in the 3rd quarter of 2011. EIC B1 MOD (2)(A)		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart H 60.82(a) 5C THSC Chapter 382 382.085(b) General Terms and Conditions OP Special Condition 14 OP Special Condition 3 PERMIT		
Description:	Failure to meet 4 lbs of SO2/ton of H2SO4 during a three hr average. EIC B1 MOD (2)(A)		

5	Date:	08/31/2012	(1060798)
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	

6	Date:	09/05/2012	(1016082)
	Self Report?	NO	Classification: Moderate
	Citation:	ELMR PERMIT OT PERMIT PC PERMIT	
	Description:	Failure by Lucite International to prevent the discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.	

7	Date:	09/30/2012	(1060799)
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	

8	Date:	10/31/2012	(1060800)
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
	Description:	Failure to meet the limit for one or more permit parameter	

9	Date:	11/30/2012	(1060801)
	Self Report?	YES	Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LUCITE INTERNATIONAL, INC.
RN102736089**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-2622-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lucite International, Inc. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an industrial organic chemical manufacturing plant at 6350 North Twin City Highway in Nederland, Jefferson County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 4, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seventy-Two Thousand Five Hundred Forty-One Dollars (\$72,541) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fifty-Eight Thousand Thirty-Three Dollars (\$58,033) of the administrative penalty and Fourteen

Thousand Five Hundred Eight Dollars (\$14,508) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On February 7, 2011, cleaned the Methyl-Methacrylate ("MMA") Dock Tank;
 - b. On October 20, 2011, replaced the sulfur dioxide ("SO₂") analyzer to ensure accurate monitoring of the Spent Acid Recovery ("SAR") Main Stack;
 - c. On January 1, 2012, trained personnel and implemented measures to ensure audio, visual, and olfactory ("AVO") inspections are recorded accurately in a timely manner; and
 - d. On or before May 31, 2012, replaced the catalyst in the third pass of the SAR Converter and implemented an increase in management oversight during start-up periods, in order to ensure compliance with SO₂ emission rates for the SAR Main Stack.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to record AVO inspections once per 12 hour shift, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New

Source Review Permit ("NSRP") No. 318, Special Conditions ("SC") No. 5A, and Federal Operating Permit ("FOP") No. O1959, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 14, as documented during a record review conducted on August 22, 2012. Specifically, during the January 13, 2011 through July 12, 2011 deviation reporting period, the Respondent failed to properly record AVO inspections on fugitive equipment in ammonia service on seven occasions.

2. Failed to comply with the SO₂ maximum allowable emission rate for the SAR Main Stack, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSRP Nos. 19005 and PSD-TX-753, SC No. 1, and FOP No. O1959, GTC and STC No. 14, as documented during a record review conducted on August 22, 2012. Specifically, the permitted SO₂ emission rate of 121.67 pounds per hour ("lbs/hr") was exceeded on February 10, 2011 by 84.41 lbs/hr for one hour, and on April 15, 2011 by 126.25 lbs/hr for one hour, resulting in 210.66 lbs of unauthorized SO₂.
3. Failed to continuously measure and record the in-stack concentration of SO₂ and nitrogen oxides ("NO_x") from the SAR Main Stack, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), 40 CODE OF FEDERAL REGULATIONS §§ 60.13(a) and 60.84(a), TEX. HEALTH & SAFETY CODE § 382.085(b), NSRP Nos. 19005 and PSD-TX-753, SC No. 13, and FOP No. O1959, GTC and STC No. 14, as documented during a record review conducted on August 22, 2012. Specifically, the Respondent experienced 6,857.52 hours of erratic and unreliable operation for the SO₂ inlet analyzer between January 12, 2011 and January 11, 2012. During this period, the stack flow rate was not measured which resulted in the inability to accurately determine the actual SO₂ and NO_x emission rates.
4. Failed to prevent an emissions release from the MMA Dock Tank, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), NSRP No. 19003, SC No. 3, and FOP No. O1959, GTC and STC No. 14, as documented during a record review conducted on August 22, 2012. Specifically, the MMA emissions occurred from June 3, 2009 through February 7, 2011, due to a heel left in the MMA Dock Tank after it was drained, causing a release of 9,763 lbs of MMA.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Lucite International, Inc., Docket No. 2012-2622-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Jacy Miller
For the Executive Director

9.26.13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Hootan Hidaji

Signature

7/25/2013

Date

Hootan Hidaji

Name (Printed or typed)
Authorized Representative of
Lucite International, Inc.

Site Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.